wages. This is the recommendation of the Labour Ministers.

SHRI CHIMANBHAI MEHTA : Madam, due to the increasing sickness of industries, employers close down their factories. The present position is, they have to take permission of the appropriate authorities. Without taking permission of the appropriate authorities they close down their factories. They have their own problems. I do not say that they don't have any problems. Now the question is : In the proposed legislation what are you going to do about this crucial point ? The State undertakings go on paying money without the performance of labour. But the private industries are not in a position of going on paying because they are sick. So, here the role of the Government comes in. Permission has to be taken. Now the question is whether the law would be laying thrust on bilateral mechanism or whether you are going to have tripartite thrust in the new legislation. This is the crucial quesion.

SHRI P. A. SANGMA : As of today, most of the matters pertaining to labour situation in the country are being sorted out through a mechanism called "tripartite mechanism'. In fact, according to ILO, India has the best form of tripartite mechanism. We have been debating whether we should continue with the tripartite mechanism or we should also shift towards bipartite mechanism because it is not good for the Government to be in on the issue every time. The Ramanujam Committee went into it. It was discussed in the Indian Labour Conference. It was also discussed in the Standing Labour Committee and also in the Labour Ministers' Conference. The consensus which emerged is that we should encourage more of bipartite mechanism, that means, the issues relating to labour matters should, as far as practicable, be sorted out mutually by the employers and the employees. Therefore, the bipartite mechanism should be given perference though we will still continue with the tripartite mechanism.

SHRI CHIMANBHAI MEHTA : Mr. Sangma, the real question is that today before closure they have to get permission. Should they get the permission, which is required, in future also ?

SHRI P. A. SANGMA : As far as the question of closure is concerned, in 1975 Chapter V-B was introduced in the Industrial Disputes Act which says that no industry can be closed down by the management without the permission of the appropriate authority, it could be the State or the Centre as the case may be. This provision was not in existence in India prior to 1975. It was introduced only in 1975. Now this is the question : What should we do with Chapter V-B of the Industrial Disputes Act where, for the purpose of closing, permission of the appropriate Government is required ? A debate has been going on and opinion on this issue is naturally divided. Industry wants that section 25(o) which provides for this permission should go and trade unions say that it should remain. That is the position today. Now this is a matter which needs to be decided by the Cabinet and as soon as the proposals are vetted by the Law Ministry, it will go to Cabinet and the Cabinet will take a final decision on this issue.

LOBBYING FOR SHIFTING OF PRODUCTS TO RESTRICTED LIST OF IMPORTS

*251. DR. NAUNIHAL SINGH :†

SHRI SANGH PRIYA GAUTAM:

Will the Minister of COMMERCE be pleased to state :

(a) Whether it is a fact that some powerful petrochemical companies led by Reliance Industries Ltd. (RIL) have begun intense lobb-lobbying to shift a number of their products to restricted list of imports and if so, the reasons therefor;

(b) whether it is a fact that there is an existence of dumping in this area by international companies; if so, the details thereof; and

(c) what action Government have taken or intend to take on the above problems ?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED) : (a) Representations have been received from a few petro-chemical producers for shifting of their products to the restricted list of imports.

(b) and (c) Complaints have been received alleging dumping of products like PVC resin, polypropyelene, Polystrene etc. After detailed investigations, anti-dumping duty has been imposed on the import of PVC resin.

DR. NAUNIHAL LSINGH : Will the hon. Minister be pleased to state the names of the petrochemical companies which have sent representations to shift their products to the restricted list of imports ? What is the action which is being contemplated by the Government in this behalf ?

SHRI KAMALUDDIN AHMED : Madam, it was the Petrochemical Producers' Association which had made the representation to the Ministry of Chemicals and there are a number of members in that Association. I don't know if he is asking about any particular name.

DR. NAUNIHAL SINGH : Madam, I asked : What is the action which is being contemplated by the Government on that matter ? The names have been submitted or the Association has represented. What is the action being contemplated by the Government ?

SHRI KAMALUDDIN AHMED : Madam, it is stated in the answer. In answer (b) and (c) I have said that anti-dumping duty has been levied on this on the basis of total production.

THE DEPUTY CHAIRMAN : Second supplementary.

*The question was actually asked on the floor of the House by Shri Dr. Naunihal Singh.

DR. NAUNIHAL SINGH : Madam, he has not answered my first question. When the Association has represented to include certain products in the list of imports what action is being contemplated by the Government in that respect ? I would like to know whether they are going to do it or not.

SHRI KAMALUDDIN AHMED : Madam, the Ministry of Commerce vide its Notification dated 7-9-1993 had transferred a number of products, like LDPE, PP, HDPE, PVC, PF, PBR, etc. to the sensitive list.

DR. NAUNIHAL SINGH : My second supplementary is this. What is the rate of duty so imposed by the Government on the products involved in dumping ? I would also like to know what action the Government of India is contemplating to avert such a situation in future.

SHRI KAMALUDDIN AHMED : Madam, a complaint was received by the designated authority for levying anti-dumping duty. It is a fact that the international prices of MEG, i.e. monoethylene glycol, and arcylic fibre had come down to such a low level in the last five years that it became necesary levying anti-dumping duty. The prices in the quotations which were received here were much lower than the prices prevalent in the countries of their origin. The designated authority made an inquiry into that and it levied duty on all these products. I can give the detail of each item. I will pass on this information to the hon. Member.

THE DEPUTY CHAIRMAN : You can lay it on the Table of the House. Shri Singh Priya Gautam.

DR. NAUNIHAL SINGH : Madam, what is the Government doing to avert it in future ?

THE DEPUTY CHAIRMAN : Now you have asked two supplementaries.

DR. NAUNIHAL SINGH : This dumping will go on. I would like to know what action the Government is going to take. It is a very serious question.

THE DEPUTY CHAIRMAN : Dr. Naunihal Singh, I cannot permit you. Shri Sangh Priya Gautam.

SHRI SANGH PRIYA GAUTAM : Madam, Part (a) of the question says :

"Whether it is a fact that some powerful petrochemical companies led by Reliance Industries Ltd. (RIL) have begun intense lobbying to shift a number of their products to restricted list of imports and if so, the reasons therefor ;"

But the hon. Minister has not given reasons in his reply. The first part of my supplementary is this. I would like to know from the hon. Minister why the petrochemical producers have made a representation. I would also like to know what plans the Government is contemplating to contain powerful companies against disturbing established companies.

SHRI KAMALUDDIN AHMED : Madam, the Association has made a representation. There are a number of producers who are members of this Association. RIL is also a member of that Association. This Association has made that representation. The reason for the representation is that there is an advanced licence scheme under the present policy where there is a provision that some of the items are imported against the commitment of exports. That provision was being misused by a number of producers here, a number of exporters here. It was brought to the notice of the Government. The Government had examined the whole thing and after a careful consideration, it shifted some of the items to the restricted list, as I submitted just now.

उपसभापति : नहीं दूसरा पार्ट नहीं होता, एक ही होता है। सप्लीमेंटरी एक ही पूछना चाहिए। कायदे से एक ही सवाल पूछिए ताकि दूसरे मेम्बर्स को भी मौका मिले।

श्री संघ प्रिय गौतम : मैंने एक ही पूछा था।

उपसभापति : बहुत अच्छा किया।

श्री चतुरानन मिश्र : इन लोगों को मेक-अप करने दीजिये। इन लोगों का बहुत बकाया है।

SHRI G. G. SWELL : Madam, under the GATT regime, which comes into operation next year or immediately thereafter, it has been mandated that excise duty will come down to 44 per cent and in some cases to 20 per cent in order to allow a free movement of commodities and products from country to country. I would like to know from the Minister whether under this GATT regime there will be any such thing as restrictions or restricted list of imports and whether anti-dumping would be permitted.

SHRI KAMALUDDIN AHMED : Levying of anti-dumping duty is an inherent power of the Government. It is already there and there is nothing new coming under the GATT. The hon. House has discussed GATT and the different provisions and proposals in detail. We have discussed it here and there is nothing new that I have to say at this moment.

SHRI G. G. SWELL : I am asking whether such a thing as restricted list of imports will be there. Is it 'yes' or 'no' ?

THE DEPUTY CHAIRMAN : He said that there is already a provision against anti-dumping. About GATT, he said that we discussed it in the House and he cannot say anything more.

*252. [*The Questioners (Shri Viren J. Shah and Shri Pramod Mahajan) were absent. For Answer vide col....infra.*]

*253. [*Transferred to the 24th December, 1993.*]